

18, 1995 (hereinafter "Tiitola") in view of U.S. Patent 4,369,970 issued to Salminen on January 25, 1983<sup>1</sup> (hereinafter "Salminen").

In the Office Action, the Examiner indicates that "*Tiitola discloses a blade of the construct claimed. Tiitola does not disclose the claimed fastening means (shank portion). However, such a fastening means is known in the art as disclosed by Salminen. It would have been obvious to one of ordinary skill in the art to have used such a shank portion to fasten Tiitola's blade as well if it was desired to securely fasten it to a wooden stick.*"

The applicant respectfully submits that Tiitola does not disclose a blade portion as defined in claim 1 (irrespective of the fastening means, which the Examiner considers as being known in the art and disclosed by Salminen). In this regard, the applicant directs the Examiner's attention to the following highlighted limitations of claim 1:

1. *A blade portion for a hockey stick, comprising:*
  - (a) *a wooden shank portion having :* <sup>31</sup>  
    - (i) *a longitudinal axis;* <sup>31</sup> *intra*
    - (ii) *inner and outer sides extending along said longitudinal axis;* <sup>76, 38</sup> *intra*
    - (iii) *rear and front sides between said inner and outer sides;* <sup>42</sup>
    - (iv) *a groove on said front side, said groove extending along said longitudinal axis; and* <sup>46</sup> *18*
    - (v) *a lower edge extending from said rear side to said front side;* <sup>46</sup> *Salminen*
  - (b) *a blade element made of synthetic material, said blade element including:*
    - (i) *a proximal end portion, said proximal end portion having a tongue received in said groove;*
    - (ii) *a distal end portion remote from said proximal end portion; and*

<sup>1</sup> Note that there are two patents issued to Salminen, namely US Patents 4,537,398 and 4,369,970. The Office Action does not specify the one on which the rejection is based but indicates that "Claims 1-6, 14, 15 and 19 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Tiitola et al. (Tiitola) in view of Salminen." and adds that "However, such a fastening means is known in the art as disclosed by Salminen". The Office Action also indicates that "Salminen, Dumont, Frack et al., Buchting et al. Adachi, McKinnon et al., and Hasegawa have been cited for interest because they disclose similar blades."

- (iii) *a lower edge extending from said front side to said distal end portion, the lower edge of said wooden shank portion being a first lower edge, the lower edge of said blade element being a second lower edge; and*
- (c) *a ground contacting portion extending from said rear side to said distal end portion, said ground contacting portion comprising a first segment formed of said first lower edge and a second segment formed of said second lower edge.*

The blade portion of Tiitola (see blade section 2) does not comprise a ground contacting portion made of two different segments as recited in claim 1. Indeed, the blade section of Tiitola comprises a unitary ground contacting portion made of the same material: "*The blade as shown in FIG. 1 also includes a wear resistant member 5 [also see Figure 2] for contacting the ice surface [...], this member may take the aspect of a thermoplastic wear protection bottom piece.*" Note that the blade shown in Figure 3 comprises a ground contacting portion (further pocket 21) made of the same material as the face members 7 and 8, namely fiber reinforced plastic material (col. 9, lines 46-50 and col. 10, lines 3-5).

Hence, contrary to what the Examiner appears to be suggesting, Tiitola does not disclose a blade portion comprising a ground contacting portion having a first segment formed of the first lower edge of a wooden shank portion and a second segment formed of the second lower edge of the blade element, as recited in claim 1.

Moreover, according to the MPEP §706.02(j), in order for the Examiner to establish a *prima facie* case of obviousness three basic criteria must be met. Firstly, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Secondly, there must be a reasonable expectation of success. And thirdly, the prior art references must teach or suggest all of the claim limitations.

The applicant respectfully submits that the first requirement of a *prima facie* case of obviousness, namely the presence of a suggestion or motivation to modify the reference or to

combine the reference teachings, has not been satisfied. Indeed, the Examiner does not indicate where in Tiitola, or in the knowledge available to one of ordinary skill in the art, there is a motivation or suggestion to combine Tiitola and Salminen in order to use the shank portion disclosed by Salminen to fasten the blade of Tiitola.

Nowhere in Tiitola is there any mention of a connection problem between the hockey stick shaft (handle section 1) and the blade (blade section 2). In fact, Tiitola indicates that the blade section may be directly fixed to the handle by fiber-reinforce plastics material: "[t]he lower portion 3 of the handle 1 is attached to the blade section 2 by a fiber reinforced plastics material layer 4 shown as crossed hatching." (col. 9, lines 15-18; see Figure 1). Tiitola also indicates that "[...] instead of a complete handle section 1 being integrally fixed to the blade construct, a handle heel portion 30 having a spigot member 31 may be so fixed to the blade construct (col. 12, lines 10-13; see Figure 12). In that sense, Tiitola teaches away from the use of a shank portion as the one disclosed by Salminen<sup>2</sup>

Hence, the applicant respectfully submits that no *prima facie* case of obviousness is established in the Office Action.

For the above reasons, it is submitted that there are no grounds for an obviousness rejection of claims 1 to 6, 14, 15 and 19 on the basis of Tiitola in view of Salminen. It is also submitted that there are no grounds for rejection on the basis of Tiitola in light of the other references cited by the Examiner. Claim 1 to 6, 14, 15 and 19 are therefore patentable. Furthermore, since claims 7-13 depend from independent claim 1 and include by reference all the limitations contained therein, the applicant respectfully submits that these claims are also patentable.

In view of the remarks provided above, it is submitted that pending claims 1 to 15 and 19 are in condition for allowance. The rejection under 35 U.S.C. § 103 should be withdrawn. Favorable action is earnestly solicited.

Finally, the Examiner is invited to call the applicant's undersigned representative if any further amendment will expedite the prosecution of the application or if the Examiner has any

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<sup>2</sup> See Figures 1a-1d of Salminen (or Figures 1a-1d of US Patent 4,537,398).

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suggestions or questions concerning the application or the present Response. In fact, if the claims of the application are not believed to be in full condition for allowance, for any reason, the applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

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